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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,298	09/23/2005	Andreas Bergmann	BOEHMERP-0043	3226
	7590 04/06/201 ITE, ZELANO & BRA		EXAM	IINER
2200 CLARENDON BLVD.			FOSTER, CHRISTINE E	
SUITE 1400 ARLINGTON.	VA 22201		ART UNIT PAPER NUMBER	
,			1641	
			NOTIFICATION DATE	DELIVERY MODE
			04/06/2011	EL ECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mwzb.com

	1 **		
Examiner-Initiated Interview Summary	10/551,298	BERGMANN ET	AL.
Examiner-initiated interview duminary	Examiner	Art Unit	
	Christine Foster	1641	
All Participants:	Status of Application: Per	nding	
(1) <u>Christine Foster</u> .	(3)		
(2) <u>Tony Zelano</u> .	(4)		
Date of Interview: 29 March 2011	Time: <u>2:00 PM</u>		
Type of Interview:  ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant ☐ Priposed claim americant ☐ Fyes, provide a brief description: Proposed claim americant	nt's representative) ndments (see attached).		
Part I.			
Rejection(s) discussed:			
Claims discussed: 25 Prior art documents discussed:			
Part II. SUBSTANCE OF INTERVIEW DESCRIBING THE GENER See Continuation Sheet	RAL NATURE OF WHAT WAS	DISCUSSED:	
Part III.			
	examiner will provide a writte ecord of the substance of the	en summary of the interview, since	ne substance
/Christine Foster/ Examiner, Art Unit 1641 (A	pplicant/Applicant's Representat	ive Signature – if	appropriate)

Application No.

Applicant(s)

Application No. 10/551,298

Continuation of Substance of Interview including description of the general nature of what was discussed:

Applicant proposed amendments to claim 25 to recite that the level of mid-proAM is employed as a measure of the physiological production of AM (see attached).

Such amendments would require further consideration and/or search; however, the examiner suggested that in order to ensure that the amendments would clearly limit the scope of the claim, that an active method step be recited rather than a "wherein" clause (e.g., "employing said level as a measure of the physiological production of AM"). See MPEP 2111.04

Also discussed was whether the proposed amendments would distinguish over the prior art references applied. The examiner noted that the claim language "said level is employed as a measure of the physiological production of AM" does not clearly require that the mid-proAM level is being used as a proxy or surrogate in order to quantify the level of AM. The claim language could be interpreted simply as meaning that the level of mid-proAM is being used to infer the existence of AM. For these reasons, the claim language may not distinguish over the art of record. In particular, since it was known that mid-proAM and AM are produced from the same precursor, one of ordinary skill in the art would have reasonably concluded that the production of mid-proAM would mean that AM was also produced. Given the breadth of the claim language, this alone could satisfy the claim. However, further consideration will be given upon filing of a response.

The examiner also suggested that claim 8 be amended in order to employ closed transitional language in reference to the SEQ ID NO:4 and SEQ ID NO:5 peptides.